

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

CASE NO.: SC09-1182

N. JAMES TURNER

JQC Case No.: 09-01

RESPONDENT’S MOTION FOR REFERRAL TO MEDIATION

1. This matter is currently pending before the hearing panel, and initial written discovery is substantially completed. Depositions have not yet been taken.
2. The Respondent wishes to attempt to resolve this matter. At this time, substantial expense could be avoided through a resolution of this matter.
3. Upon information and belief, it is the policy of this Court to use alternative dispute resolution whenever possible, even in disciplinary matters, as provided in Chapter 14 of the Rules Regulating The Florida Bar.
4. Rule 12(a), Florida Judicial Qualifications Rules, provides in part as follows: “In all proceedings before the Hearing Panel, the Florida Rules of Civil Procedure shall be applicable except where inappropriate or as otherwise provided by these rules.” Nothing in the Judicial Qualifications Rules prohibits mediation, nor would it be inappropriate.
5. Rule 1.700(a), Florida Rules of Civil Procedure, allows the “presiding judge” to refer matters to mediation. Respondent respectfully suggests that the chair of the hearing panel is empowered to make this referral in the present case.

6. The Respondent respectfully requests that this matter be referred to a Florida certified mediator, to be agreed on between counsel for the parties, and that mediation be conducted at the earliest possible opportunity. Upon information and belief this will not delay the matter if a resolution is not reached.

WHEREFORE the Respondent, N. James Turner, respectfully requests that the matter be referred to a mediator for the reasons set forth above.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was furnished by U.S. Mail to the persons on the attached Service List this 9th day of November, 2009.

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